

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CBF INDUSTRIA DE GUSA S/A, et al.,

Plaintiffs,

13-cv-2581 (PKC)

-against-

ORDER

AMCI HOLDINGS, INC., et al.,

Defendants.

-----X
CASTEL, U.S.D.J.

The Court has presided over this action since April 2019, during which time it has considered issues relating to an ex parte attachment, issued Opinions and Orders on a motion to dismiss and a motion for summary judgment, ruled on various motions in limine and presided at the Final Pretrial Conference. The Court gave the parties notice that it was considering temporal limitations on the presentations of evidence and afforded them an opportunity to file submissions on the subject. (ECF 699.)

Exercising the discretion vested in a trial judge under Rule 16 to “establish[] a reasonable limit on the time allowed to present evidence” and to “facilitat[e] in other ways the just, speedy, and inexpensive disposition of the action,” Rule 16(c)(2)(O) & (P), Fed. R. Civ. P., the Court sets the following limitations on the presentation of evidence:

1. Exclusive of jury selection, the charge conference, and the Court’s delivery of preliminary and final instructions to the jury, the following time limits shall apply:¹

¹ The jury’s day runs from 10 a.m. to 5 p.m., a period of 7 hours from which is deducted 1 hour for lunch and two 10-minute breaks, leaving approximately 5 hours and 40 minutes per day for the presentation of evidence. The limits set by the Court should result in 11 trial days or a little over two weeks of jury service.

a. plaintiffs shall have 31.5 hours for the presentation of argument and evidence, inclusive of direct and redirect of witnesses who are called by plaintiffs, cross-examination of defendants' witnesses, the reading or playing of depositions, opening statement (which may not exceed 35 minutes), closing argument (which may not exceed 50 minutes) and its rebuttal case, if any.

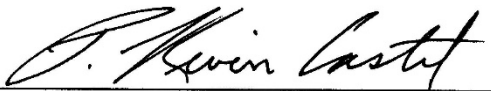
b. defendants shall have 25.5 hours for the presentation of argument and evidence, inclusive of direct and redirect of witnesses who are called by defendants, cross-examination of plaintiffs' witnesses, the reading or playing of depositions, opening statement (which may not exceed 35 minutes) and closing argument (which may not exceed 50 minutes).

2. Each side shall designate a timekeeper and the respective timekeepers shall meet and confer and submit their agreed upon calculation, and any disputes relating thereto shall be presented to the Court at the beginning of the next trial day.

3. As previously indicated the Court will not sit on October 9 (Columbus Day) and September 25 (Yom Kippur).

4. In the course of trial, the Court reserves the right to modify or extend the limits for good cause and in the interest of justice.

SO ORDERED.


P. Kevin Castel
United States District Judge

Dated: New York, New York
July 27, 2023